

Paper No. 6  
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SEP 12 2002

**OFFICE OF PETITIONS**TAYLOR & AUST, P.C.  
142 S. Main St.  
P.O. Box 560  
Avilla, IN 46710In re Application of  
Epple, et al.  
Application No. 10/005,839  
Filed: November 8, 2001  
Attorney Docket No.: FWP0049.US  
For: AUTOMATIC POOL COVER BOX  
EQUIPMENT MOUNTING ASSEMBLY: DECISION DISMISSING  
: PETITION UNDER 37 CFR  
: 1.137(b), DECISION  
: GRANTING PETITION UNDER  
: 37 CFR 1.136(a), and  
: DECISION GRANTING STATUS  
: UNDER 37 CFR 1.47(a)

This is a decision on the petitions under 37 CFR 1.137(b) and 37 CFR 1.47 filed July 24, 2002. This matter is also being treated under 37 CFR 1.136(a) as a petition for a five (5) month extension of time for reply to an Office communication.

**PETITION UNDER 37 CFR 1.137(b)**

The application was filed November 8, 2001. A Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed December 31, 2001. The Notice required applicant to submit an executed oath or declaration and surcharge. The Notice set a two (2) month period of time for reply and indicated that extensions of time for reply under 37 CFR 1.136(a) were permitted. The period of time for reply was extendible by five months, thus permitting applicant to timely file a reply to the Notice along with a petition for an extension of time up to July 31, 2002.

The instant petition under 37 CFR 1.137(b) was submitted prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, a petition under 37 CFR 1.137(b) is **DISMISSED AS INAPPROPRIATE**.

Petitioner is entitled to a refund of the previously submitted petition to revive fee. A refund to Deposit Account No. 20-0095 has been requested from the Finance Office, Refund Section.

**PETITION UNDER 37 CFR 1.136(a)**

The petition for a five (5) month extension of time is hereby **GRANTED**.

The required five (5) month extension of time fee has been charged to Deposit Account No. 20-0095.

**PETITION UNDER 37 CFR 1.47(a)**

Petitioner has shown that inventor Lanny R. Smith has refused to join in the filing of the above-identified application after having been presented with the application papers.

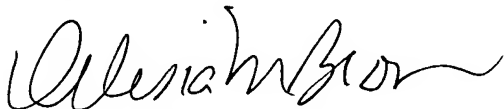
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). The petition is

hereby **GRANTED** and this application is hereby **accorded Rule 1.47(a) status.**

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.



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Office of the Deputy Commissioner  
for Patent Examination Policy